IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

WP(C).No. 11889 of 2004(M)

PETITIONER:

VELAPPAN, S/O. LATE KOOTTALA KRISHNAN,
ALPARA, KANNARA P.O., PEECHI VILLAGE, THRISSUR,
PIN-680 652.

BY ADV. SRI.N.N.SUGUNAPALAN

RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY TO GOVT.,
GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

2. PRINCIPAL SECRETARY,
REVENUE (N) DEPARTMENT, GOVERNMENT OF KERALA,
SECRETARIAT, THIRUVANANTHAPURAM.

3. DISTRICT COLLECTOR, THRISSUR.

4. TALUK LAND BOARD, THRISSUR.

5. SAINABANU, D/O. LATE MEERHUSAIN &
KHADEEJABI, RESIDING AT VELIYANNUR, THRISSUR DIST.

6. YASMINE, D/O. -DO- -DO- -DO-.

7. MUHAMMED KHALEEL, S/O. -DO- -DO- -DO-.

8. ABDUL ASSAM, S/O. -DO- -DO- -DO-.

BY ADV. SMT. K.R. DEEPA, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT DT. 27.11.1998 IN O.P. NO. 22905/98.

EXT.P2: TRUE COPY OF THE REPRESENTATION DTK. 01.07.98 SUBMITTED BY SMT. ANNAMMA KURIAKOSE BEFORE THE GOVERNMENT.

EXT.P3: TRUE COPY OF THE GOVT. ORDER DT. 29.03.1999.

EXT.P4: TRUE COPY OF REPRESENTATION DT. 06.01.2000 SUBMITTED BY THE PETITIONER AND HIS BROTHERS BEFORE THE GOVERNMENT.

EXT.P5: TRUE COPY OF REPORT DT. 02.08.2001 SUBMITTED BY THE VILLAGE OFFICER, PEECHI.

EXT.P6: TRUE COPY OF REPORT DT. 10.11.2000 SUBMITTED BY THE TAHSILDAR, THRISSUR.

EXT.P7: TRUE COPY OF COMMUNICATION DATED 12.08.2003 ISSUED BY THE 2ND RESPONDENT PRINCIPAL SECRETARY TO GOVT.

/True Copy/

P.A to Judge.

KURIAN JOSEPH , J

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W.P.(C) NO. 11889 OF 2004

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Dated this the 11th day of July, 2007.

JUDGMENT

The writ petition is filed with the following prayers:

i. issue a writ of mandamus or any other appropriate writ, order or direction directing respondents 1 to 4 to identify the extent of land in excess of the ceiling area held by the predecessor in interest of respondents 5 to 8 and fix the ceiling area applicable to the family and declare the excess land held by the family.

ii. issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents 5 onwards not to take any action for evicting the petitioners from the properties held by them.

2. Since the petitioner has sought for a writ of mandamus, it is for the petitioner to approach the 4th respondent. In the event of petitioner approaching the 4th respondent, the matter will be considered by the said respondent/competent authority with notice to the petitioner and respondents 5 to 8 and any other affected parties expeditiously.

The writ petition is disposed of accordingly.

KURIAN JOSEPH, JUDGE.

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